

## REMARKS

This Amendment is submitted in response to the final Office Action mailed on May 22, 2008. The Director is authorized to charge any fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112857-037 on the account statement.

As previously provided, claims 1-25 have been canceled without prejudice or disclaimer, and thus, the rejections of the Final Office Action should be rendered moot and withdrawn. Further, claims 26-36 have been added and presented for purposes of examination. Applicants believe the newly added claims should be considered distinguished from the cited art of record, even if properly combinable, namely US 5,772,934 to MacFadden ("*MacFadden*"), US 5,522,127 to Ozaki et al. ("*Ozaki*"), and EP 0,724,305 A1 to Akashi ("*Akashi*").

Of newly added claims 26-36, claim 26 is the sole independent claim. Claim 26 is directed to a gel electrolyte secondary cell and recites a positive electrode; a negative electrode comprising a current collector and a powder mixture composed of a graphite material having a specific surface area that ranges from 0.1 m<sup>2</sup>/g to 3.6 m<sup>2</sup>/g; and a gel electrolyte comprising an electrolyte salt, a non-aqueous solvent and a high-molecular weight material, wherein the non-aqueous solvent comprising propylene carbonate and ethylene carbonate, and wherein a content of propylene carbonate ranges from 10 mol% to 75 mol% as fully supported in the specification.

Applicants have demonstrated that a gel electrolyte secondary cell with a negative electrode including a graphite material (e.g., a graphite material obtained from meso-carbon mirco beads as further defined in claim 34) combined with a gel electrolyte including propylene carbonate and ethylene carbonate displays enhanced properties as compared to gel electrolyte secondary cell that includes a negative electrode made from a different graphitized carbonaceous material (e.g., petroleum coke).

In contrast, the primary MacFadden and Akashi references generally disclose carbonaceous materials as used for an electrode material. See, Akashi, p. 4, lines 12-16; and MacFadden, col. 4, lines 9-15. However, nowhere is a clear distinction made that one type of carbonaceous material performs better than another, let alone the specific type of graphite material as claimed and further defined in claim 34. Again, Applicants have demonstrated that a gel electrolyte secondary cell with a specific graphite material as claimed and in combination with a propylene carbonate/ethylene carbonate based gel electrolyte display enhanced properties as compared to a gel electrolyte secondary cell with a negative electrode that includes a different

type of carbonaceous material as previously discussed. Therefore, the MacFadden and Akashi references, alone or even if combinable, should be considered distinguished from the claimed invention.

Even assuming the primary references are combinable with the Ozaki reference, the combined teachings are not sufficient in scope such that one skilled in the art would be inclined to favor one type of carbonaceous material for another, let alone favor the specific type of graphite material as claimed. Again, the primary references do not place any distinction as to the type of carbonaceous material used as previously discussed. In Ozaki, the emphasized distinction is that "pseudographite material with low graphitization has a low quantity of intercalated lithium, so that the specific capacity is as low as 200 mAh/g, limiting the capacity of the cell." See, Ozaki, col. 2, lines 3-6. Again, the test results in the present application compared the graphite obtained from meso-carbon micro-beads and a graphite material based from petroleum coke that was graphitized at 2600°C. Clearly, the petroleum coke based graphite material is different from the "pseudographite material" referenced in Ozaki that is obtained by carbonization at temperatures as low as 1000°C to 1500°C (Ozaki, col. 1, lines 55-57). Moreover, none of the cited art provides sufficient guidance that the claimed negative electrode material in combination with ethylene carbonate and propylene carbonate displays enhanced properties. Indeed, Ozaki suggests that propylene carbonate is disfavored with a meso-carbon based material.

For at least the foregoing reasons, Applicants respectfully submit that the present application is in condition for allowance and earnestly solicit reconsideration of same.

Respectfully submitted,

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